रजिस्ट्री सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग 2—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 17] नई दिल्ली, मंगलवार, अप्रैल 10, 1970/चैत्र 20, 1892
No. 17] NEW DELHI, TUESDAY, APRIL 10, 1970/CHAITRA 20, 1892

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

SECRETARIAT Library GOVERNMENT OF

LOK SABHA

The following Bills were introduced in Lok Sabha on the 10th April, 1970:—

BILL No. 40 OF 1970

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Representation of the People (Amendment) Act, 1970.

(2) It shall come into force at once.

Insertion of new section 77A.

2. After section 77 of the Representation of the People Act, 1951 (hereinafter referred to as the Principal Act), the following new section shall be inserted, namely:—

Payment of subvention to candidate.

"77A. Any candidate at an election to the House of the People or Legislative Assembly of a State, whose total income, including income from agriculture, is twenty-five thousand rupees or less per annum, shall be entitled to get a subvention of half the amount of the maximum election expenses prescribed in Rule 90 of the

Conduct of Election Rules, 1961, from the Central and State Government respectively within 3 days from the date of scrutiny:

Provided that a candidate who withdraws from the contest or fails to get elected or secures less than 25 per cent of the total valid votes cast in that election shall be required to return the said subvention to the Government, with 5 per cent interest, within a month of the declaration of the result:

Provided further that the candidate desiring to get the above subvention from the Government shall furnish the security and guarantee for repayment of this subvention in the circumstances set out in the preceding proviso in the manner prescribed in this behalf under the Rules.".

Insertion of new section 168A.

3. After section 168 of the principal Act the following new section shall be inserted, namely:—

Allotment of symbols.

"168A. (1) The Election Commission shall allot symbols to recognised political parties.

(2) The recognised political parties shall be divided into two categories: multi-State parties which have obtained recognition in more than two States and State parties which have obtained recognition only in one or two States.

(3) The Election Commission shall prescribe a certain minimum of the total valid votes cast, not exceeding 5 per cent, in the preceding election concerned for the purposes of recognition.

(4) No recognised multi-State party or recognised State party shall be denied the symbol which has been previously allotted to it by the Election Commission except on the following grounds:

(a) that the office bearers of that party have by communication in writing demanded allotment of a different symbol to that party;

(b) that the said party has passed a resolution to merge itself in another political party and has communicated the decision to the Election Commission in writing;

(c) that the said party has by resolution of its supreme organ decided in favour of dissolution; and

(d) that the said party has failed to secure in the preceding election the minimum number of votes prescribed by the Election Commission for being entitled to recognition for the purposes of allotment of symbols:

Provided that a group or section of the recognised party which has been expelled from the parent body or has seceded from that parent body, or has seceded or been expelled from a united party formed as a result of merger and duly recognised by the Election Commission, shall not be entitled to claim the symbol previously allotted to the parent body or the united party merely on the ground that the majority of the Legislators belonging to the parent body or of the party

which had merged are members of the organisation set up by the ex-pelees or seceders.

(5) The decisions of the Election Commission which are contrary to the principles set out in this section shall stand cancelled and the allotment of symbols shall take place in accordance with the provisions of this section for the purposes of all future elections, including bye-elections.",

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to modify the existing Election law in two vital respects.

The present Act does not provide for Government assistance to candidates without means. Elections are daily becoming more and more expensive and the poor but deserving candidates find it extremely difficult to compete with the rich and the affluent who are not so deserving. This makes the power of money an important factor in our politics and distorts the principle of popular representation in our Assemblies and Parliament. Proposed new section 77A seeks to make equality before the law a reality as against its being merely a paper right by providing for fiancial help to candidates without means under certain conditions.

According to this new provision, candidates who have incomes below Rs. 25,000, shall be entitled to get from the Government half of the maximum permissible expenses. The proviso to this new Section, however, ensures that this provision is not abused and is availed of only by serious contenders without means. By laying down two conditions, *viz.*, that the candidates receive at least 25 per cent of the total valid votes and give adequate security and guarantee of repayment in the event of their failure to fulfil this condition.

The new section 168A removes the absolute discretion of the Election Commission in the matter of allotment of election symbols by laying down in the law itself the principles which shall govern its decisions in this regard. The decision of the Election Commission in the SSP V. PSP case as well as the current controversy over the allotment of the "pair of yoked bullocks" symbol to the rival Congresses is putting a premium on disintegration and not on consolidation of political forces. The new provision ensures that breakway groups consisting of expelees or seceders cannot claim the allotted symbol of the parent body or the united party on the basis of their so-called numerical strength without reference to justice and fairplay.

NEW DELHI;

The 1st February, 1970.

MADHU LIMAYE.

FINANCIAL MEMORANDUM

It is difficult to visualise the total number of candidates who will contest elections to the House of the People and the State Assemblies and qualify for subvention. Leaving aside the bye-elections and mid-term polls, this expenditure will have to be computed on a five-yearly basis. Since the conditions of subvention are very strict, the amounts involved will not exceed Rs. 15 million for the five-yearly period, that is to say, Rs. 3 million per year.

BILL NO. 38 OF 1970

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1970. Short title.

2. In article 174 of the Constitution, to clause (*1*), the following proviso shall be added, namely:— Amendment of article 174.

"Provided that, in case the majority of the members of the Legislative Assembly of a State make a request to the Governor, in writing, that the Assembly be summoned on a particular date, the Governor shall summon the Legislative Assembly on that date or within a week of the same irrespective of the fact that he is advised to that effect or not by the Chief Minister, and notwithstanding any other advice received by him from the Chief Minister.".

STATEMENT OF OBJECTS AND REASONS

In recent times summoning and functioning of the Legislative Assembly have been obstructed on account of the way the Chief Ministers and the Speakers have acted in some States. Particular mention may be made of West Bengal, Punjab and Haryana. On occasions, there had been disputes and differences between the Governor and the Chief Minister, the Governor and the Speaker and the Chief Minister and the Speaker over the summoning and meeting of the Assembly. The only way to solve these disputes and differences in those cases was to summon the Assembly to meet and consider them. Yet by not allowing the Assembly to meet a deadlock had been created. Members eager to remove such deadlock found themselves helpless because under the Constitution they had no initiative for calling a meeting of the Assembly.

This situation was considered by a Conference of Presiding Officers called by Dr. N. Sanjiva Reddy, then Speaker, Lok Sabha, at New Delhi on 6th April, 1968. In his presidential address, Dr. Reddy suggested that members constituting a majority of the total membership of the Assembly should be vested with a right to ask the Governor to summon a sitting on a particular date. The Presiding Officers' Conference also adopted a resolution supporting the view taken by the then Speaker of Lok Sabha. The amendment proposed in the Bill seeks to put this into effect.

NEW DELHI;
The 3rd March, 1970.

C. K. BHATTACHARYYA.

BILL No. 42 OF 1970

A Bill to provide for the abolition of capital punishment.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Capital Punishment Abolltion Act, 1970.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "citizen" means a person who is a citizen of India under the Constitution of India;

(*b*) "court" means the Court of Session, High Court and the Supreme Court of India; and

(c) "offence" means any act or omission made punishable by any law for the time being in force.

45 of 1860.

3. Notwithstanding anything contained in the Indian Penal Code or any other Act for the time being in force, no court shall punish any citizen for any offence with death.

No court to punish with death.

STATEMENT OF OBJECTS AND REASONS

In many countries capital sentence as a measure of punishment has been abolished. The purpose of giving punishment to an offender is both reformative and deterrent. The awarding of death sentence with utmost care cannot be considered as infallible. It is for this reason that in some countries capital sentence has been abolished. In order to achieve this aim the necessity for presenting the Bill has arisen.

Hence this Bill.

NEW DELHI;
The 5th February, 1970.

OM PRAKASH TYAGI.

BILL No. 37 OF 1970

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1970.

Amendment of article 123.

2. In article 123 of the Constitution, for clause (*1*), the following clause shall be substituted, namely:—

"(*1*) If at any time, except when both Houses of Parliament are in Session, the President, in consultation with the Chief Justice of India, is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require:

Provided that no such Ordinance shall be issued within fourteen clear days of the commencement of a session of Lok Sabha.".

STATEMENT OF OBJECTS AND REASONS

Time and again, it has been observed that the President, on the advice of the Central Government, has issued Ordinances even though the matter was not of sufficient urgency to warrant such promulgation. It is necessary in the interests of democracy that this extraordinary legislative power of the President should be subjected to certain checks. This amending Bill seeks to ensure that Ordinances are issued only after consultation with the Chief Justice of India.

Besides, Ordinances have been promulgated even though Parliament was to meet within a few days, which is an encroachment upon the legislative powers of Parliament. This Bill provides that no Ordinance shall be issued within fourteen days of the commencement of the session of Lok Sabha.

NEW DELHI;
5th March, 1970.

S. S. KOTHARI.

S. L. SHAKDHER,
Secretary.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI. 1970